

PATERNITY
For Petitioner/Plaintiff and
Respondent/Defendant

3

Stipulation to File
Consent Decree

Part 3: To get the Paternity Judgment/Order
when both parties agree



SELF SERVICE CENTER

PATERNITY DECREE BY CONSENT (AGREEMENT) BETWEEN THE PARTIES

How to assemble these documents

This packet contains general information and/or court forms and instructions about how to get a paternity decree by consent when both parties agree or consent to the decree and the terms of the decree. Be sure the documents are in the following order:

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CONSENT TO A PATERNITY JUDGMENT/ORDER BY BOTH PARTIES

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You or the other party filed a Petition/Complaint for Paternity, AND
- ✓ You and other party agree to all the terms of the paternity such as who is the father and the mother of the child(ren), child custody, parenting time (formerly known as "visitation"), and child support, AND
- ✓ You and the other party will sign the papers to have the paternity judgment/order by consent (agreement), AND
- ✓ You and the other party have attended or will attend the Parent Information Program class before you file a Consent Paternity Judgment/Order.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

SELF SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT THE STIPULATION (AGREEMENT) TO FILE A CONSENT PATERNITY JUDGMENT/ORDER

Use these instructions only if you and the other party have agreed to a Paternity Judgment/Order and have agreed to file and sign a Consent Paternity Judgment/Order

INSTRUCTIONS FOR FILLING OUT THE STIPULATION (AGREEMENT):

(The section number in front of each paragraph below is the same as the section number on the Stipulation (Agreement). For example: Read section (A) below. Then, turn to section (A) on the Stipulation (Agreement). The section letter can be found at the end of each paragraph. Each section below will help you fill out each section of the Stipulation (Agreement).

SECTION: Type or write in black ink only.

- (A) INFORMATION ABOUT THE PETITIONER:** Write in the Petitioner's name, current address, city, state, zip code, and telephone number. If you have an ATLAS number, write in the number. (The person who filed the Petition/Complaint for Paternity is the Petitioner.) If a lawyer represents the Petitioner, write in the Petitioner's lawyer's name, bar number, address, city, state, zip code, and telephone number instead of the Petitioner's name and so forth. Check the box to tell the court whether you are representing yourself or a lawyer represents you.
- (B) INFORMATION ABOUT THE RESPONDENT:** Write in the Respondent's name, current address, city, state, zip code, and telephone number. (The person who was served with the paternity papers is the Respondent.) If a lawyer represents the Respondent, write in the Respondent's lawyer's name, bar number, address, city, state, zip code, and telephone number instead of the Respondent's name and so forth. Check the box to tell the court whether the Respondent is representing him or herself or is represented by a lawyer.
- (C) NAMES:** Write in the Name of the Petitioner and the Respondent in the space provided.
- (D) CASE NUMBER.** Write in your court case number.
- WARNING.** Each party must put his or her initials in the space provided for every statement that is true. If any statement is not true, you cannot file this document or get a Consent Paternity Judgment/Order. You must follow other trial preparation procedures. You must also read and initial each statement below under oath. This means you must tell the truth. Lying is a crime and the Court can punish you for lying. If you do not understand any of the statements or need help with other trial procedures, you should see a lawyer for help before signing this paper. If you choose to use this procedure and the statement is true, Petitioner should put his or her initials in the space provided, and Respondent should put his or her initials in the space provided. If the statement does not apply to your case, write "N/A" for not applicable in the space for your initials.
- (D) AGREE AND UNDERSTAND.** This section tells the judge or commissioner:
1. That both parties have read the Stipulation (Agreement) and the Consent Paternity Judgment/Order, AND
 2. That both parties understand and agree with the Stipulation (Agreement) and the Consent Paternity Judgment/Order, AND
 3. That both parties want the judge or commissioner to sign the Consent Paternity Judgment/Order.
 4. Make sure that there are no blanks, except for the date and signature line for the judge/commissioner to sign. If the statement does not apply to your case, write in "N/A."

- (F) TIME FRAME.** Write in the day the Respondent was served with the court papers.
- (G) PAYMENT OF COURT FEES.** This section tells the judge or commissioner that both parties have either paid the court fees and/or costs or have received an initial Order of Deferral. You must provide either a copy of the receipt showing that you paid the court fees and/or costs, or you must provide a copy of the Order of Deferral. Both parties must do this.
- (H) SELF-ADHESIVE, REMOVABLE TABS OR MARKERS.** This section tells the court that you have put self-adhesive, removable tabs or markers on the pages(s) of the original and two (2) copies of the Paternity Judgment/Order where the judge or commissioner dates and signs the Judgment/Order. This section also says that you have put a self-adhesive, removable tab or marker on the original and 2 copies of the wage assignment order where the judge/commissioner dates and signs the order. Make sure you use easily removable tabs. Do not use paper clips or tape.
- (I) ORIGINAL DOCUMENTS AND COPIES.** Make sure you give the judge/commissioner the documents requested. Check each box to show that you are giving the judge/commissioner the documents.
- (J) APPEARANCE BY RESPONDENT.** This section tells the judge or commissioner that by signing the Stipulation (Agreement), the Respondent or Defendant has appeared in this case and is submitting to the jurisdiction of the Court.
- (K) RIGHT TO TRIAL IS WAIVED.** This section tells the judge or commissioner that both parties do not want a trial and are waiving any right they may have to a trial.
- (L) NO DURESS OR COERCION. COMPLETE AGREEMENT.** This section tells the judge or commissioner that both parties want to sign this Stipulation (Agreement) and that no one is making them sign this paper. It also tells the Judge or Commissioner that your agreement is contained in the Stipulation (Agreement), Paternity Judgment/Order, and any attachments, and that you have not made any agreement that is not contained in these documents.
- (M) LEGAL ADVICE.** This section tells the judge or commissioner that both parties understand that they have a right to have or get legal advice and to have a lawyer. The Self-Service Center has a list of lawyers that will help people on a task-by-task basis. If you choose a lawyer from the list, the lawyer will discuss with you the fee arrangement.
- (N) JUDICIAL DISCRETION.** This section tells the judge or commissioner that both parties understand that the judge or commissioner will review the court papers and can decide whether to sign the documents.
- (O) PARENTS OF THE CHILD(REN).** Write in the name of the mother of the child(ren), and the name of the father of the child(ren). This section tells the court that both parties agree to whom the mother and father of the child(ren) is/are.
- (P) CUSTODY, PARENTING TIME AND CHILD SUPPORT.** Initial the paragraphs and then check one box only. This section tells the judge or commissioner that both parties believe that the custody, parenting time and child support arrangements are in the best interest of your child(ren). This section also tells the judge or commissioner that you have asked to deviate from the child support guidelines. **If you ask the judge to deviate from the child support guidelines, you must tell the judge why.**

- (Q) DOMESTIC VIOLENCE.** This section only applies if you are asking for joint custody. If you are not asking for joint custody, write in "n/a" for not applicable. If you are asking for joint custody, check box "A" or box "B." If you checked box "B," you must tell the judge why joint custody is in the best interest of the children, even though domestic violence has occurred.
- (R) PARENT INFORMATION PROGRAM.** This section tells the judge or commissioner that both parties have completed the Parent Information Program class before filing the Consent Paternity Judgment/Order. This requirement concerns parents who filed for paternity on or after January 1, 1997 or whom a judge or commissioner has ordered to take the class. Remember to attach a copy of both Certificates to the Stipulation. In the event, the Respondent cannot or refuses to attend the class, you can write in the reasons why the Respondent cannot or refuses to attend the class.
- (S) DOCUMENTS INVOLVING CHILDREN.** This section tells the judge or commissioner that you have attached the documents regarding the children that the judge or commissioner needs to sign your paternity judgment/order. Don't forget to do this.
- (T) SIGNATURE OF PETITIONER/SIGNATURE OF RESPONDENT.** This section tells the judge or commissioner that the Stipulation (Agreement) is true and correct to the best of your knowledge and information. Both parties must sign the Stipulation (Agreement) in front of a Notary Public. (The Notary Public will need a picture identification from you to notarize your signature.)
- (U) SIGNATURE OF EACH LAWYER.** If a lawyer represents either party, the lawyer must also sign the document.

Petitioner's Name or Lawyer's Name: (A) _____
Address: _____
City, State, Zip Code: _____
Telephone: _____
ATLAS Number: _____
Lawyer's Bar Number: _____
Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

Respondent's Name or Lawyer's Name: (B) _____
Address: _____
City, State, Zip Code: _____
Telephone: _____
ATLAS Number: _____
Lawyer's Bar Number: _____
Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

_____(C)
Petitioner's Name

Case Number _____ (D)

**STIPULATION TO FILE CONSENT
PATERNITY JUDGMENT/ORDER**

Respondent's Name

STATE OF ARIZONA)
County of Maricopa) ss.

INSTRUCTIONS: This document has a separate instruction sheet. The letters following the paragraphs match the letters in the instruction sheet. Each party must put his or her initials in the space provided for every statement that is true. **If any statement is not true, you cannot file a Consent Paternity Judgment/Order, and you should see a lawyer for help. If the statement does not apply to your case, write "N/A" for "not applicable" in the space for your initials.**

Petitioner's Respondent's
Initials Initials

1. **AGREE AND UNDERSTAND.** I have read this Stipulation and the Paternity Judgment/Order. I understand and agree with what is written in both documents, including that a Paternity Judgment/Order should be entered in my case. I have made sure that we have filled out the entire document and that there are no blanks, except for the blank date and signature line for the judge/commissioner to sign. **(E)**

2. **TIME FRAME.** Respondent was served on _____.
(Petitioner or Respondent must write in the date that the Respondent was served with the court papers or signed the Acceptance or Waiver of Service.) **(F)**

3. **PAYMENT OF COURT FEES.** I have paid the court fees. I am submitting a copy of my receipt to prove payment. (Both the Petitioner and the Respondent must provide a copy of his or her receipt.) **OR** I have received an initial Order Deferring my fees and/or costs and I have enclosed a copy of that Order. **(G)**

4. **SELF-ADHESIVE, REMOVABLE TABS OR MARKERS.** I have put self-adhesive, removable tabs or markers on the page(s) of the original and two 2) copies of the Paternity Judgment/Order where the judge/commissioner dates and signs the Judgment/Order. I have also put a self-adhesive, removable tab or marker on the original and 2 copies of the wage assignment order where the judge/commissioner dates and signs the Order. (I have used easily removable tabs. I have not used paper clips or tape.) **(H)**

5. **ORIGINAL DOCUMENT AND COPIES.** I am giving the judge/commissioner the following items: (Check each box to show that you have done each item.) **(I)**
- ☐ Original Stipulation to File Consent Paternity Judgment/Order, signed and notarized by you and the other party;
 - ☐ Original and 2 copies of Paternity Judgment/Order, signed and notarized by you and the other party;
 - ☐ Two pre-addressed, postage paid envelopes (9"x 14"): Address one envelope to yourself. Address one envelope to the other party. (The court will mail to you and other party a signed copy of the Judgment/Order.)
 - ☐ A copy of the receipt(s) and/or Order(s) of deferral that show that both parties have paid the court fees or have had the court fees deferred.

6. **APPEARANCE BY RESPONDENT.** The Respondent states that by signing this Stipulation, the Respondent has made a formal appearance and is submitting to the jurisdiction of this Court. **(J)**

7. **RIGHT TO TRIAL IS WAIVED.** I understand that by signing this Stipulation and signing the Judgment/Order, I am waiving my right to a trial before a judge. **(K)**

Petitioner's Initials Respondent's Initials

- 8. NO DURESS OR COERCION. COMPLETE AGREEMENT.** I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Stipulation. The Paternity Judgment/Order with attachments, if any, that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Judgment/Order. **(L)**

- 9. LEGAL ADVICE.** I understand that even if I am representing myself without a lawyer, I have the right to be represented by a lawyer. I have the right to call a lawyer and get legal advice before I sign this Stipulation and the Paternity Judgment/Order. **(M)**

- 10. JUDICIAL DISCRETION.** I understand that the judge/ commissioner will review all the papers and decide in his or her discretion whether to sign the Paternity Judgment/Order or not. I understand that it takes at least thirty (30) days from the day that I submit the Judgment/Order for the judge/commissioner to sign the papers and return a copy to me. **(N)**

- 11. PARENTS OF THE CHILD(REN).** I agree that _____ is the mother of the child(ren), and _____ is the father of the child(ren). **(O)**

- 12. CUSTODY, PARENTING TIME AND CHILD SUPPORT.** The arrangement for custody, parenting time and child support are in the best interests of the child(ren). **(P)**
- ☐ Child Support has been calculated without any deviation from the guidelines. OR
- ☐ Child Support has been calculated and the parties agree and request a deviation from the guidelines for the following reasons: (Explain why the judge should allow you to deviate from the child support guidelines. Use additional paper if necessary.)

- 13. DOMESTIC VIOLENCE.** If you are asking for joint custody of the child(ren), you must check box "A" or box "B" and tell the judge whether there has been domestic violence. **(Q)**

Petitioner's Respondent's
Initials Initials

- A. ☐ Domestic violence has not occurred, OR
B. ☐ Domestic violence has occurred, but the
domestic violence has not been significant.
Explain why joint custody is in the best interest of
the child(ren) even though domestic violence
has occurred: (Use additional paper if
necessary.)

14. **PARENT INFORMATION PROGRAM.** I have
completed the Parent Information Program class and have filed
the Certificate of Completion with the Clerk of the Court. Copies
of the Petitioner's and the Respondent's Certificates of
Completion are enclosed. **(R)**

State law requires that both the Petitioner and Respondent must
attend the class and file the original Certificate of Completion with
the Clerk of the Court before the judge will sign the Decree/
Judgment/Order. The court understands that there are, in rare
instances, times when the Respondent cannot attend the class.
If the Respondent will not or has not completed the class, tell the
judge why the Respondent will not or has not completed the
class in the space below.

Keep in mind that the judge can still require both parties to attend
the class before the judge will sign the Decree/Judgment/Order.
You should also know that any party who refuses to attend the
class, will be denied the right to seek modification and/or
enforcement of the Decree/Judgment/Order until completion of
the class.

15. **DOCUMENTS INVOLVING THE CHILDREN.** You
must give the judge/commissioner the following items. Check
the box next to each item to tell the judge/commissioner that you
are giving the judge/commissioner the Original and 2 copies of
each of the following documents: **(S)**

- ☐ Child support has already been ordered by this court. There
is no need to change the child support order at this time. A
copy of the child support order is attached. (You do not

need to provide an original and 2 copies of the order if you checked this box. You must attach one copy of the signed order.)

- ☐ Child Support Worksheet signed and notarized by both parties.
- ☐ Child Support Order. (Not necessary if the Paternity Judgment/Order provides for the final amount, and the date child support payments begin.)
- ☐ Order of Assignment.
- ☐ Judgment Data Sheet.
- ☐ If you have asked the court for joint or shared custody of the children, you must give the judge/commissioner an Original and 2 copies of a Parenting Plan **signed by both parties** that includes a statement that you and the other party agree to joint custody of the minor children.

SIGNATURE BY PETITIONER: Everything stated by me in this Stipulation is true and correct to the best of my knowledge, information and belief. **(T)**

PETITIONER'S SIGNATURE

SUBSCRIBED AND SWORN to before me this ____ day of _____, _____, by the Petitioner.

My Commission Expires:

NOTARY PUBLIC

SIGNATURE BY RESPONDENT: Everything stated by me in this Stipulation is true and correct to the best of my knowledge, information and belief.

RESPONDENT'S SIGNATURE

SUBSCRIBED AND SWORN to before me this ____ day of _____, _____, by the Respondent.

My Commission Expires:

NOTARY PUBLIC

SIGNATURE OF EACH LAWYER (if applicable): **(U)**

Approved by Petitioner's Lawyer:_____

Date:_____

Approved by Respondent's Lawyer:_____

Date:_____

SELF SERVICE CENTER

PROCEDURES: HOW TO GET A PATERNITY JUDGMENT/ORDER BY CONSENT

REQUIREMENTS: To get a Paternity Judgment/Order by Consent (Agreement), both parties must be or do the following things:

- **PAPERWORK and SIGNATURES.** Both parties (and their lawyers if lawyers represent them) must sign the Stipulation to File the Consent Paternity Judgment/Order, and sign at the bottom of the Paternity Judgment/Order to show that both parties have read, approved and agreed to the Paternity Judgment/Order. You must also file all other required paperwork. The Paternity Judgment/Order and the other paperwork you will need are in Self-Service Center Packet No. 4: Paternity: The Court Order.
- **PARENT INFORMATION PROGRAM.** Both parties must attend the Parent Information Program class and file a Certificate of Completion with the Clerk of the Court.
- **FEES.** Both parties must enclose a receipt to prove payment or enclose the initial Order of Deferral. The filing fee is \$226.00.

PROCEDURE:

- **READ AND COMPLETE** all paperwork as instructed.
- **MAIL OR TAKE THE STIPULATION, PATERNITY JUDGMENT/ORDER AND OTHER PAPERWORK TO THE FAMILY COURT ADMINISTRATION OFFICE:** Mail or take your papers to the Family Court Administration Office of the court where you filed your Petition/Complaint for Paternity. Court Administration business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. at:
 - 101 W. Jefferson, 1st Floor, Phoenix, Arizona 85003; OR,
 - 222 E. Javelina, 2nd Floor, Mesa, Arizona 85210.
 - 14264 West Tierra Buena Lane, Surprise, Arizona 85374
 - **As of September 14, 2005** the Northeast Regional Court Center at 18380 N. 40th St., will also be able to take your paperwork
- **ORIGINAL AND COPIES OF PAPERS: You must mail or take the following documents to the Family Court Administration Office:**
 - The original and two copies of the Stipulation to File the Consent Paternity Judgment/Order signed by both parties, (and lawyers, if lawyers represent the parties).
 - The original and two copies of the Paternity Judgment/Order signed by both parties (and lawyers, if lawyers represent the parties).
 - Two copies of each receipt to prove payment of the filing fees by both the Petitioner and the Respondent; OR, the two copies of the initial Order of Deferral.
 - Two stamped 9" x 12" envelopes. Address one envelope to the Petitioner or his or her attorney. Address the other envelope to the Respondent or his or her attorney. Provide the current addresses on both envelopes, including zip code. Make sure you put enough postage on the envelopes.
 - The original and 2 copies of the completed Joint Parenting Plan signed by both parties, AND
 - The original and 2 copies of the Joint Custody Agreement signed by parties if the parties are

asking for joint custody, AND

- The original and 2 copies of the completed Parent's Child Support Worksheet, AND
- The original and 2 copies of the completed Child Support Order, AND
- The original and 2 copies of the completed Order of Wage Assignment, AND
- The original and 2 copies of the completed Current Employer Information Sheet, AND
- The original and 2 copies of the completed Judgment Data Sheet.

- **WHAT THE JUDGE/COMMISSIONER WILL DO:** The judge/commissioner will decide by reading the Stipulation and the Paternity Judgment/Order if you have a Paternity Judgment/Order without a hearing. It is within the judge's or commissioner's discretion to sign the Paternity Judgment/Order. The judge might schedule the case for a hearing. This means both parties must appear in court at the scheduled time to answer questions the judge might have.
- **WAIT FOR THE PAPERWORK:** Both parties or their attorneys should receive a signed Paternity Judgment/Order or a Rejection Notice in the mail from the Court in about four weeks from the date you submitted the paperwork. If you do not receive paperwork within that time, you can call the Family Court Administrator's Office at the location where you filed the paternity papers between the hours of 8:30 a.m. and 5:00 p.m. (Phoenix: 506-7879; Mesa: 506-3141 and 602-372-9402).
- **IF YOUR STIPULATION FOR A CONSENT PATERNITY JUDGMENT/ORDER IS ACCEPTED:** You will not have to see the judge. The judge will sign the original Paternity Judgment/Order and have it filed with the Clerk of the Court. The Court will send a copy of the signed Paternity Judgment/Order to each party using the envelopes you provided. This is your notification that Paternity has been established.
- **IF YOUR STIPULATION FOR A CONSENT DECREE IS REJECTED:** The Court will send you a REJECTION/CORRECTION NOTICE informing you of the mistakes with the documents. Follow the instructions on the Notice if the mistakes can be corrected. If the mistakes cannot be corrected, you should see a lawyer for help.